

Effective 7/1/2015

Superseded 5/10/2016

53-3-205.5 Fingerprint and photograph submission required for driving privilege card applicants and cardholders.

- (1)
 - (a) Every applicant for an original driving privilege card shall submit the following with the application to the division:
 - (i) fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency; and
 - (ii) a signed waiver from the person whose fingerprints are being registered in the Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.
 - (b) If a person has not submitted fingerprints and a photograph to the division on or after July 1, 2015, the person that renews a driving privilege card shall submit:
 - (i) fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency; and
 - (ii) a signed waiver from the person whose fingerprints are being registered in the Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.
 - (c) The fingerprinting and photograph submission required under this Subsection (1) shall be conducted by:
 - (i) the Bureau of Criminal Identification; or
 - (ii) a law enforcement agency that has the capability of handling fingerprint and photograph submissions.
- (2) The division shall submit fingerprints for each person described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.
- (3)
 - (a) The Bureau of Criminal Identification shall check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases and submit the fingerprints to national criminal records databases, including the Federal Bureau of Investigation's Next Generation Identification system.
 - (b) The Bureau of Criminal Identification shall:
 - (i) maintain a separate file of fingerprints submitted under Subsection (1) for search by future submissions to the local and regional criminal records databases, including latent prints;
 - (ii) request that the fingerprints be retained in the Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service for search by future submissions to national criminal records databases, including the Federal Bureau of Investigation's Next Generation Identification system and latent prints; and
 - (iii) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for individuals with whom the entity maintains an authorizing relationship.
 - (c) Notification of any existing criminal history record or existing or new warrant information and any new criminal history record information entered in local, state, or federal databases shall be made to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if the person has a criminal history or warrant record or a new criminal history or warrant record is entered in local, state, or federal databases.
 - (d) Upon request of the agency described in Subsection (3)(c), the Bureau of Criminal Identification shall inform the agency whether a person whose arrest was reported under Subsection (3)(c) was subsequently convicted of the charge for which the person was arrested.
- (4) In addition to any fees imposed under this chapter, the division shall:

- (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification or other authorized agency provides under this section; and
- (b) remit the fees collected under Subsection (4)(a) to the Bureau of Criminal Identification.